

and "downstream" distributors,<sup>58</sup> whereas others argue that liability should be limited to distributors of the end product.<sup>59</sup> Given the controversy and complexities that could arise in any given set of factual circumstances, CEMA suggests that the Commission not establish a general policy but instead determine liability on a case-by-case basis.

### CONCLUSION

The record in this proceeding strongly supports a reasoned policy approach towards accessibility that *both* advances the production of equipment that is accessible *and* does so in a cost-effective. Many commenters point out that a large variety of accessible telecommunications services and equipment already is being offered through voluntary industry initiatives. Even many of the organizations representing disabled persons recognize the need to take into account cost in determining what equipment modifications are readily achievable (as well as when in the product cycle such modifications should take place). Many commenters (again, including organizations for disabled persons) recognize that accessibility should be judged based on the availability of equipment *as a whole*, not based on the universal accessibility of each individual piece of equipment.

CEMA urges the Commission to accept the arguments of those who conclude that:

(1) The proper interpretation of Section 255 does *not* create a new private complaint authority against equipment manufacturers; (2) The Commission does not have authority to adopt any

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<sup>58</sup> See, e.g., Pacific Telesis Group Comments at 12-13; Consumer Action Network Comments at 5; Comments of Trace Research and Development Center at 10; MATP Comments at 3; NAD Comments at 24-25.

<sup>59</sup> See, e.g., Microsoft Comments at 13-14; Northern Telecom Comments at 11 n.13; ITIC Comments at 10; Ericsson Comments at 10; Lucent Technologies Comments at 9.

*voluntary* guidelines promulgated by the Access Board as *mandatory* rules; (3) Service providers and equipment manufacturers have *equal* responsibility for accessibility; (4) Any documentation filed with the Commission regarding accessibility should be part of the normal Part 68 certification process; and (5) The proper division of liability between designers/component manufacturers and final assemblers/distributors should be decided on a case-by-case basis.

Respectfully submitted,

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## **ELECTRONIC INDUSTRIES FOUNDATION**

### ***Profile on Activities Related to Accessibility of Consumer Electronics***

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EIF is the philanthropic sector of the Electronic Industries Association, the major trade organization representing electronics manufacturers in the United States. Incorporated in 1976, EIF marshals corporate resources to address national needs of concern while meeting the diverse needs of industry. Every one of the Foundation's activities supports its mission: *to contribute to the development of a qualified workforce through education, skills development, training, and the creation of opportunities for disadvantaged persons.*

Because of its relationship to EIA, EIF regards technology as an essential tool for developing individual potential — a door rather than a barrier for all Americans. One of its major goals is to link product designs with the needs of persons with functional limitations, including people with disabilities. Throughout its history, EIF has used its direct link to the EIA to build partnerships with EIA-member companies to educate the industry and the public to the needs of people with disabilities.

Because of its work in identifying the assistive technology needs of consumers with disabilities, EIF was instrumental in helping to establish a decision within EIA in 1989, representing companies in the assistive devices industry. Today, under a collaborative arrangement with EIA, the Foundation provides administrative support to ADD.

A chronological profile of research, outreach, and public awareness activities conducted by EIF either in behalf of EIA and its member companies or in support of federal program priorities is presented below. Also included are important outreach activities conducted by both EIA and ADD in which EIF participated.

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- 1996 EIA and EIF publish the *Resource Guide for Accessible Design of Consumer Electronics*: A guide to assist designers in create products that address the needs of both mainstream and users with disabilities.
  - 1995 ADD conducted two focus groups with consumers with disabilities and those who work in fields that service the needs of people with disabilities to explore unmet product needs by disability and to develop an understanding of the decision-making process for buying new products/technologies.
  - 1994 EIF, in partnership with EIA and ADD, conducted an employer education seminar entitled *Knowing Your Options* in various communities around the country. The seminar was designed to increase employers awareness on accessible products for employees with disabilities and to educate them on job accommodation strategies.

- 1993 EIF and the Cutting Edge Gallery of Philadelphia's Franklin Institute Science Museum sponsored a special exhibit to showcase and demonstrate the variety of innovative technologies that enable people with disabilities to perform essential life tasks. The exhibit, entitled "Electronic Innovation for People with Disabilities," featured products on-loan by EIA member companies and through both visual and oral presentations and demonstrations communicated how the functional needs of individuals with disabilities can be met through cutting edge technologies.
- 1993 A five-part series on product design, written by Dr. Lawrence A. Scadden of EIF, was published over a year's period in the *CE Network News*, a monthly publication of the Consumer Electronics Group, which is distributed to industry. The series was designed to educate manufacturers on how to expand their markets by increasing the number of consumers who can use their products.
- 1992 EIA's Consumer Electronics Group, in partnership with EIF, sponsored the establishment of a formal committee and structure to develop a resource guide for accessible design of consumer electronics.
- 1991 EIF and ADD conducted two surveys to determine the level of interest of both consumers and manufacturers in a strategy that would help them identify accessible products. The positive results from these surveys and findings from other related research underway at that time, led to the EIA/EIF industry initiative to develop accessible design guidelines.
- 1991 EIA, in partnership with the Council on Accessible Technology, the U.S. General Services Administration, and the U.S. Department of Education, sponsored the World Congress on Technology, a international conference the applications of technology in the workplace and an exhibition of the latest technologies. The conference attracted over 1,000 industry leaders, educators, renown international scientists and experts, and people with disabilities.
- 1990 EIF, in collaboration with the EIA Consumer Electronics Group, designed a nation conference on consumer product design for persons with functional limitations and disabilities. The conference, scheduled to be held in conjunction with the Association's Consumer Electronics Show in Chicago, IL, involved industry representatives, consumers with disabilities, and advocate organizations.
- 1989 EIF published a comprehensive Source Book on Assistive Technology, which is now produced and distributed by RESNA. Nearly 700 pages of reprints of articles on assistive technology are included in the book.

1988-

1993 Under a federally-sponsored government grant, EIF conducted forty focus groups consisting of people with disabilities to identify and evaluate their diverse consumer needs. Focus group topics included technology needs, social and economic problems, discrimination, information resource limitations, and isolation. Findings from the studies were disseminated to industry, people with disabilities, government agencies, and advocacy organizations.

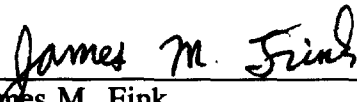
1983-

1988 During the 1980s, EIF initiated a series of market research projects under a federally-sponsored grant to develop demographic information on accessibility problems faced by people with disabilities and to identify commercial strategies for making consumer electronic products more accessible. As part of the series, EIF conducted interviews with over 40 CEOs to identify factors that impede the development, production, and distribution of assistive devices and accessible products. Over 10,000 copies of the findings from these studies were distributed to industry, people with disabilities, government agencies, and advocacy organizations.

1977 Under a federally sponsored government award, EIF conducted a study to identify impediments to the commercialization of technology designed to solve rehabilitation problems or improve employment options of persons with disabilities. Both industry and rehabilitation organizations collaborated with EIF on the study.

**CERTIFICATE OF SERVICE**

I, James M. Fink, hereby certify that a copy of the foregoing "Reply Comments of The Consumer Electronics Manufacturers Association" in WT Docket No. 96-198 was served by First-Class United States mail, postage prepaid, upon the parties appearing on the attached service list this 27th day of November, 1996.

  
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